

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

MARIAN LOUISE CALLOWAY,

Plaintiff,

Case No. 05-72968  
Hon. Marianne O. Battani

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION  
AND GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff Marian Louise Calloway brings this action for judicial review of the final decision of the Commissioner denying her application for disability insurance benefits pursuant to the Social Security Act. 42 U.S.C. §405(g). The case was referred to Magistrate Judge Donald A. Scheer pursuant to 28 U.S.C. § 636(b)(1). Defendant filed a dispositive motion, and in a Report and Recommendation ("R&R") dated February 22, 2006, Magistrate Judge Scheer recommended that Defendant's Motion for Summary Judgment be granted.<sup>1</sup>

In the Report and Recommendation, the Magistrate Judge informed the parties that objections to the R&R needed to be filed "within ten (10) days of service" and that a party's failure to file objections would waive any further right of appeal. Neither party filed an objection.

Because no objection has been filed in this case, the parties waived their right to *de novo*

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<sup>1</sup>Although the Magistrate Judge recommended that Plaintiff's Motion for Summary Judgment be denied, the Court notes that Plaintiff did not file a dispositive motion. She did send a letter to the Court advancing her position that benefits should be awarded. See Doc. No. 13.

review and appeal. of appeal. Thomas v. Arn, 474 U.S. 140 (1985); Howard v. Secretary of Health & Human Servs., 932 F.2d 505 (6th Cir.1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

Accordingly, the Court **ADOPTS** the Magistrate Judge's recommendation and **AFFIRMS** the denial of benefits to Plaintiff. Defendant's Motion for Summary Judgment is **GRANTED**.

**IT IS SO ORDERED.**

s/Marianne O. Battani  
MARIANNE O. BATTANI  
UNITED STATES DISTRICT JUDGE

DATE: March 24, 2006

#### **CERTIFICATE OF SERVICE**

Copies of this Opinion and Order were served upon Marian Louise Calloway and James A. Brunson on this date by ordinary mail and/or electronic filing.

s/Bernadette M. Thebolt  
Deputy Clerk